IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No. l207 of 2005

Dhansingh Vithalrao Bhoite..petitioner
vs
State of Mah & anr..Respondents

Shri S.M.Sabrad for petitioner
Mr. Y D Mulani AGP for State

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated 20.6.2005

P.C:

. Rule. Respondents waive service. By consent, Rule is made returnable forthwith.

2. The auction of various sand sites in Solapur district for the period 3.l2.2004 to 3l.7.2005 was held on 3.l2,2004 by the Collector. The petitioner participated in the said auction and was declared successful bidder. The petitioner deposited 25% of the amount of Rs.60,000 on 4.l2.2004 and the balance of Rs.l.4l lacs on l7.l2.2004. Even after making the full payment the petitioner was not put in possession of the auctioned site. It appears that after the auctions were held one Digamber Patil filed Writ Petition St No l0l85 of 2004 and because of the pendency of the said petition possession of the site was not given to the

successful bidder. The said petition of Shri Patil was dismissed on l2.4.2005 and the respondents are willing to put the petitioner in possession of the auctioned site. The learned counsel for the petitioner however submitted and in our opinion rightly, that the period of auction is now getting over by the end of July 2005 and therefore the petitioner is not interested in accepting the possession of the said site. In the circumstances we direct the respondents to forthwith refund the amount of Rs. 2,0l,000 with simple interest at the rate of l0% p.a. Petition is accordingly disposed of .